

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, August 20, 2012

Those Present: Mr. James E. McClellan, Chairman
Mr. Richard E. Zimmerman, Board Member
Mrs. Maggi Hays, Board Member
Mrs. Linda B. Thall, Sr. Assistant County Attorney
Ms. Kathy L. Vahle, Administrator
Mr. Harold C. DeLauter, Alcoholic Bev. Inspector
Mr. Frank Rauschenberg, Alcoholic Bev. Inspector
Mrs. Sandra Rees, Administrative Specialist IV
Mrs. Penny Bussard, Administrative Specialist IV

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 8:45 am by Chairman McClellan.

1. **TJ'S Roadhouse** – Ms. Vahle stated she received a request for an outside area for this establishment. The Liquor Inspector stated they are compliant.

MOTION: Mr. Zimmerman made a motion to approve.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. ***Aye – 3 Nay – 0***
(Motion Passed)

2. **Los Toltecos** – Ms. Vahle stated the Board gave this establishment a conditional approval for September 17, 2012 but they have requested an extension until October 15, 2012.

MOTION: Mr. Zimmerman made a motion for approval.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

3. **Police Reports** – Ms. Vahle discussed City Police Reports from December of last year. She and the Liquor Inspector reviewed these in detail. There are a lot of reports that the Liquor Board cannot handle because they do not pertain to alcohol violations. There are a few reports that do pertain to alcohol violations which the Liquor Board will handle and Violation Hearings will be scheduled or No Contest letters will be sent. Ms. Vahle has asked the City Police to screen these reports so they pertain to alcohol violations. Mr. Zimmerman asked that the Liquor Board be given a more condensed summary report. Ms. Vahle will follow up.
4. **Census** – Ms. Vahle discussed the Proposed Policy for the Census that the Board discussed previously. She stated that the Board needs to decide how much weight they are going to give to each item and if there are any other items that they want to consider as part of the information packet. Mrs. Thall stated that the Board should decide on these items so that people could provide comments on them before or during the Public Hearing. The Board decided not to establish any weight to the specific criteria until the Public Hearing.
5. Decision Required: Transfer

TRANSFER FROM:

RE: Anne Rowley and Gerald F.
Sartwell for the use of
Patrick's Irish Pub &
Restaurant Inc.
t/a Patrick's Irish Pub &
Restaurant Inc.
16 and 18 E. Patrick St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor

TRANSFER TO:

RE: Jeffrey D. Button and Joanna
D. Button for the use of Pine
Creek Enterprises LLC
t/a JoJo's Restaurant & Tap
House
16 E. Patrick St.
Frederick, MD 21701
Class B, On Sale, Beer, Wine and Liquor

The Board held a hearing for a transfer of the license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending items are: Final Occupancy Permit, the Fire Marshal, Alcohol Awareness, the Taxes that are the outgoing licensee's responsibility, the Inspector's Report. The licensee stated the Fire Marshal has been called for an inspection and they have applied for a Zoning Permit. The Inspector stated they are not ready to open.

MOTION: Mr. Zimmerman made a motion for a conditional approval for September 17, 2012.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mr. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

7. Decision Required: Transfer

TRANSFER FROM:

RE: Lowell Stevens for the use of
Nary Corporation t/a Sunrise
Liquors, 407 S. Jefferson St,
Frederick, MD 21701
Class A, Off Sale, Beer, Wine & Liquor
Sunday Permit

TRANSFER TO:

RE: Steven Katz for the use of
Nary Corporation
t/a Sunrise Liquors
407 S. Jefferson St.
Frederick, MD 21701
Class A, Off Sale, Beer, Wine and Liquor
Sunday Permit

The Board held a hearing for a transfer of the license. Ms. Vahle swore in the applicants (See attached Sign In Sheet). The pending item is: the Fire Marshal approval. The licensee stated the Fire Marshal has been out to inspect. The Inspector stated they are compliant.

MOTION: Mr. Zimmerman made a motion for a conditional approval until September 10, 2012.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mrs. Hays - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 3 Nay – 0**
(Motion Passed)

8. Decision Required: approval of the Minutes of the Public Meeting for June 18, 2012, July 2, 2012 and July 23, 2012 to be voted on by the Board.

The Public Meeting Minutes of June 18, 2012, July 2, 2012 and July 23, 2012 were approved.

MOTION: Mr. Zimmerman made a motion to approve the minutes for June 18, 2012, July 2, 2012 and July 23, 2012

SECOND: Mr. McClellan seconded the motion.

FURTHER DISCUSSION

ON THE MOTION: There was no further discussion on the motion.

VOTE: Mr. Zimmerman - Aye
Mr. McClellan - Aye

The vote was unanimous. **Aye – 2 Nay – 0**
(Motion Passed)

Mrs. Hays did not participate in the vote, as she was not a member of the Board for the meetings covered by the minutes.

9. **Public Information Act** – Mrs. Thall briefed the Board on the requirements of the State Public Information Act, which applies to records created by the Board.

Open Meetings Act – Mrs. Thall also briefed the Board on the requirements of the State Open Meetings Act, which applies to the Board.

10. **Presentation to BOCC** – Mr. Zimmerman asked Ms. Vahle about her presentation to the BOCC. Ms. Vahle stated she reviewed the information regarding how licenses are determined and how they are issued. The BOCC has decided to go before the Delegation to request that the Census be eliminated entirely and let the market bear the weight of how many licenses are out there.

11. **Inspector Frank Rauschenberg's Report** – Mr. Rauschenberg stated that he met with Cpl. Snyder and discussed some of the events going on in the City. Cpl. Snyder would like better communication between the Board and the Police regarding the dispositions of the violations in Frederick City. Mr. Zimmerman asked that the City Police receive copies of the Public Minutes and also that the Frederick News Post be asked to attend the Public Meetings so that it could publish the results of Public Hearings.

ADJOURN

The meeting was adjourned at 9:41 am.

Respectfully submitted,

Kathy Vahle, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Sandra Rees